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MICHAEL J. PAHUTSKI
Counsel

VIA OVERNIGHT MAIL

January 9, 2004

CINERGY®

Mr. Thomas Dorman
Executive Director,
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602-0615

RECEIVED

JAN 12 2004

PUBLIC SERVICE
COMMISSION

Re: Case No. 2004-00014

Dear Mr. Dorman:

Enclosed please find an original and 10 copies of The Union Light, Heat and Power Company's Request for Waivers, which are being submitting for filing. Please return to me two (2) file-stamped copies in the enclosed overnight mail envelope.

If you have any questions, please feel free to contact me at (513) 287-3075.

Sincerely,


Michael J. Pahutski

MJP/mak

Enclosures

RECEIVED

JAN 12 2004

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of the The Union Light, Heat and) Case No. 2004-00014
Power Company's Integrated Resource Plan)

THE UNION LIGHT, HEAT AND POWER COMPANY'S
REQUEST FOR WAIVERS

The Union Light, Heat and Power Company (ULH&P) respectfully petitions the Kentucky Public Service Commission (Commission) for waiver of certain filing requirements for Integrated Resource Plans (IRPs) pursuant to 807 KAR 5:058 Section 3. In support of this Petition, ULH&P respectfully states:

1. ULH&P is a Kentucky corporation with its principal office and principal place of business at 107 Brent Spence Square, Covington, Kentucky 41042-0032. Its mailing address is P. O. Box 960, Cincinnati, Ohio 45201.
2. A certified copy of ULH&P's Articles of Incorporation, as amended, is on file with the Commission in Case No. 6566.
3. ULH&P is a utility as defined in KRS 278.010(3)(a) and (b), engaged in providing retail gas and electric services to its customers in Northern Kentucky. ULH&P is thus subject to the jurisdiction of the Public Service Commission.

4. ULH&P has recently been granted a certificate of public convenience and necessity (CPCN) to acquire certain electric generating assets from its parent company, The Cincinnati Gas & Electric Company.¹
5. Pursuant to the Commission's Order in Case No. 2001-00058, ULH&P plans to file a stand alone IRP by June 30, 2004.²
6. ULH&P hereby requests waivers of the following IRP filing requirements, in accordance with 807 KAR 5:058, Section 3, for the reasons stated herein:
 - a. ULH&P requests a waiver of some portion of the filing requirement embodied in 807 KAR 5:058, Section 6, regarding a summary of significant changes since the filing of ULH&P's last IRP. ULH&P last filed an IRP in 1999 that addressed the integrated Cinergy system, in accordance with 807 KAR 5:058, Section 7(5). This IRP omitted any information with regards to ULH&P-owned generation, since at that time, ULH&P was served its full requirements of electric energy from CG&E under a FERC-approved cost-of-service based tariff and wholesale contract. In accordance with the Commission's Orders in Case Nos. 2001-00058 and 2003-00252, ULH&P is filing a stand alone IRP, addressing the manner in which it will meet its load obligations through primarily generation which it anticipates acquiring

¹ See *In the Matter of the Application of The Union Light, Heat and Power Company for a Certificate of Public Convenience and Necessity to Acquire Certain Generation Resources and Related Property; for Approval of Certain Purchase Power Agreements; for Approval of Certain Accounting Treatment; and for Approval of Deviation from Requirements of KRS 278.2207 and 278.2213(6)*, Case No. 2003-00252 (Interim Order Issued December 5, 2003) (hereinafter Case No. 2003-00252).

² See *In the Matter of The Application of The Union Light, Heat and Power Company for Certain Findings Under 15 U.S.C. §79Z*, Case No. 2001-00058 (May 11, 2001).

from CG&E. ULH&P is in essence starting from scratch in developing its stand alone IRP. As such, ULH&P expects most of its stand alone IRP to be substantially different than its previous IRP. ULH&P therefore requests a waiver from the requirements that it summarize differences between its previous IRP and its new IRP with respect to (1) resource plans; (2) assumptions; and (3) methodologies. ULH&P will discuss significant changes to its forecast methodology in Chapter 3 of its IRP.

- b. ULH&P requests a waiver of the IRP filing requirement embodied in 807 KAR 5:058, Section 7(5) and 807 KAR 5:058 Section 8(3), to the extent they require the filing of information related to the integrated Cinergy system. Because the Commission has requested that ULH&P provide a stand-alone IRP, this integrated system information would not provide the Commission with any useful information in determining ULH&P's ability to serve its retail load post its acquisition of generating assets. Additionally, providing information related to the integrated Cinergy system would be an unreasonably time-consuming and burdensome process, particularly since ULH&P's affiliate, CG&E, no longer produces an IRP addressing generation capabilities and plans.³ For these reasons, and in the interest of

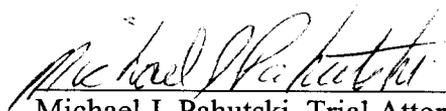
³ See Ohio Rev. Code Ann. § 4935.04(a)(1) (Anderson 2003) (CG&E is no longer required to develop and file an IRP addressing generating capabilities and plans since the inception of Ohio's electric deregulation law. Amended Substitute Senate Bill No. 3, signed into law in July, 1999, removed from the definition of "Major utility facility" the reference to "electric generating plant and associated facilities designed for, or capable of, operation at a capacity of fifty megawatts or more.")

administrative economy, ULH&P requests a waiver of these IRP filing requirements to the extent they require the reporting of Cinergy-wide integrated system information.

Wherefore, for the reasons stated herein, ULH&P requests a waiver of the IRP filing requirements as described herein.

Dated at Cincinnati, Ohio, this 9th day of January, 2004.

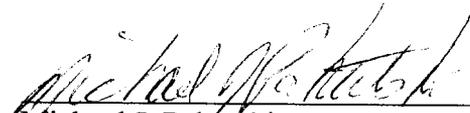
THE UNION LIGHT, HEAT AND
POWER COMPANY



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CERTIFICATE OF SERVICE

I hereby give notice that on this 9th day of January, 2004, I have filed an original and 10 true copies of the foregoing Request for Waivers with the Kentucky Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky, 40601.



Michael J. Palutski